

Before the Board of Zoning Adjustment, D. C.

Application No. 12003 of Warren Montouri, pursuant to sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to permit the continuation of a parking lot in the SP District at the premises 1106 - 13th Street, N. W. (Square 247, Lot 839).

HEARING DATE: April 21, 1976

DECISION DATES: May 3, and May 25, 1976

FINDINGS OF FACT

1. The property is located in a SP District .
2. The property is currently used as a parking lot pursuant to BZA Order No. 11308.
3. Access to the property is through an easement over Lots 843 and 840, to the south, which easement furnishes access to L Street, N. W.
4. The adjoining properties to the south and north are parking lots approved by the Board in BZA Application No. 11308 and 12046. In the immediate area are other parking lots and commercial uses.
5. The parking lot complies with all provisions of Section 7404 in that all areas devoted to driveways and access lanes are paved with materials forming an all-weather impervious surface; the lot is designed so that no vehicle or any part thereof shall project over any lot line or building line; no other use will be conducted on the premises; no vehicular entrance or exit is located within 25 feet of a street intersection as measured from the intersection of the curb lines extended; and any lighting to be used will be so arranged that all direct rays are confined to the surface of the lot.
6. The use is located and designed so that it is not likely to become objectionable to adjoining and neighboring properties because of noise, traffic or other objectionable conditions. The property is located on the periphery of the C-4 zoning district in an SP District. In the SP District, "controlled parking facilities are to be encouraged." The applicant does not propose any changes in the operation of the lot from that which was approved by the Board in BZA Application No. 11308.

7. The present character and future development of the neighborhood will not be adversely affected by the continuation of this lot. The property has frontage of 19 feet on L Street and has a depth of 100 feet, having a total area of 1,900 square feet. The lot in and of itself is not large enough to support an economic SP use. The owner has in the past attempted to find an alternative, appropriate use, but has been unsuccessful in such search. The parking lot use is an appropriate interim use for the site.

8. The Department of Transportation by report dated July 21, 1975 offered no objection to the application.

9. The Municipal Planning Office by report dated October 17, 1975 recommended approval of the application, subject to the applicant submitting a new parking layout and landscaping plan, providing bumper and tire stops and repairing the surface of the lot.

10. There was no opposition to the application.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact and the evidence of record, the Board concludes that the applicant has met the requirements of Paragraph 4101.41 of the Zoning Regulations in that the use is not likely to become objectionable to adjoining and nearby property because of noise, traffic or other objectionable conditions. There will be no adverse affect upon the present character and future development of the neighborhood. The Board further finds that the special exception can be granted in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property. It is therefore ORDERED that the application be GRANTED subject to the following conditions:


- A. Approval shall be for a period of three years.
- B. A chain with supportive posts shall be erected and maintained along the 13th Street frontage to protect the public space.
- C. Applicant shall comply with the provisions of Article 74, and all the previous conditions of the Board's approval in Case No. 11308.
- D. The parking layout shall be as shown in the plan submitted by the applicant and marked as Exhibit A-1 in the file.

VOTE

4-0 (Ruby B. McZier, William F. McIntosh, William S. Harps
and Leonard L. McCants to grant, Lilla Burt Cummings, Esq.
not voting, not having heard the case)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER, Acting
Secretary to the Board

FINAL DATE OF ORDER: JUN 10 1976

THAT THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS
ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT
IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12003, of Warren K. Montouri, pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to continue the use of a parking lot in the SP zone, as provided by Section 4101.41 of the regulations, at the premise 1106-13th Street, N.W. (Square 247, Lot 839).

HEARING DATE: October 21, 1975, November 19, 1975

DECISION DATE: November 19, 1975

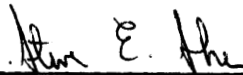
Description: Application Dismissed by the Board by a vote of 4-0 (Harps, McIntosh, Lewis, & Cummings to Dismiss, McCants abstaining.)

ORDER

Upon consideration of the motion for reconsideration and hearing filed by the applicant, dated January 27, 1976, the Board finds that the applicant's failure to post a notice on the property was not due entirely to inaction on the part of the applicant. On a motion made by Mr. McIntosh, seconded by Mr. McCants, the Board hereby ORDERS a hearing to be held in this case following proper advertisement by a vote of 4-1 (McIntosh, McCants, Harps and Lewis to rehear, Cummings not to rehear.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____



STEVEN E. SHER

Acting Secretary to the BZA

FINAL DATE OF THE ORDER: _____

FEB 26 1976

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12003, of Warren K. Montouri, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to continue tge use of a parking lot in the SP zone, as provided by Section 4101.41 of the regulations, at the premises 1106 - 13th Street, N.W., Lot 839, Square 247.

HEARING DATE: November 19, 1975

DECISION DATE: November 19, 1975 (From the Bench)


ORDER

Upon consideration of the above application which has been advertised for public hearing twice, the first time the Board receiving no appearance and the property not being posted prior to November 19, 1975, as required, and the applicant having failed to comply with Section 3.5 of the Board's Rules of Practice and Procedure, the Board here by DISMISSES the above application with prejudice.

VOTE: 4-0 (Mr. McCants abstaining)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: November 19, 1975